

Examiner has rejected claims 1-16, 25,26-29 35 U.S.C. 103(a) as being unpatentable over Alloul in view of Keaton.

Claims 1, 7 and 13 are independent claims.

Examiner has rejected claims 19, 20, 21, 22 and 24 under 35 U.S.C. 103(a) as being unpatentable over Alloul in view of Official Notice.

Claim 19 is an independent claim.

Summary of Applicant's Invention

Applicant claims a method of processing multiple electronic transactions at a hub server. Three databases are stored at the hub, a vendor product information database, a buyer profile database, and an affiliate web site database. The product information is referenced by a number of affiliate web sites that display products of many vendors for a commission. Buyer credit card or payment method and shipping information of one or more buyers, including a particular buyer, are stored in the buyer profile database during the first purchase from an affiliate web site. When a purchase request of the particular buyer is received at the hub server from one of the affiliate web sites, the previously-stored buyer credit and shipping information of the particular buyer is combined with product selection received from the affiliate site resulting in combined purchase order information. The combined purchase order information is recorded and forwarded from the hub server to the vendor's web site. The hub server bills the buyer's credit card, credits the affiliate site with its commission and credits the vendor with the sale. The vendor site ships the product.

The hub server dynamically creates HTML code and/or JavaScript needed to submit a purchase request if the user clicks on an icon/button. This HTML and JavaScript is dynamically inserted into the page with an <IFRAME>, JavaScript, or similar tag.

The invention has the advantage that it enables a sale to be completed without the buyer

leaving the affiliate's site to go to the vendor's web site because the transaction details are processed by the hub server.

The invention has the advantage that a buyer need enter credit card and ship to data only once and can visit any Site in the affiliate network later without having to reenter the data, even though new products from new vendors may be subsequently featured on any site.

Summary of Prior Art

On the Internet, electronic transactions are processed at a vendor's server. A single vendor web site displays products of this one vendor. Buyer credit card or payment method and shipping information of one or more buyers, including a particular buyer, is stored at the vendor's server during the first purchase from the vendor's web site. When a purchase request of the particular buyer is received at the vendor server from the vendor's web site, the stored buyer credit and shipping information of the particular buyer is combined with product selection received from the vendor site resulting in combined purchase order information. The combined purchase order information is recorded at the vendor's server. The vendor's server bills the buyer's credit card. The vendor site ships the product.

There is no provision in the prior art for handling sales for multiple vendors that advertise products on affiliate web sites. If a buyer wishes to purchase a product advertised on a web site other than the original vendor's site, the buyer is transferred by a link to the new vendor's site. All information must be re-entered into that new vendor's server as described above with respect to the original vendor.

In Alloul product information supplied by several vendors is stored locally as a catalog on a disc drive at a kiosk in a shopping mall or on a CD Rom at a personal computer (PC) in a user's home. In applicant's invention product information supplied by several vendors is stored at a hub server and transferred to a number of affiliate web sites. Alloul does not employ affiliate web sites.

In Alloul, variable product information, such as price and availability data supplied by the several vendors, are stored remotely in a transaction server. The catalog data stored locally and the data received from the remote server are combined at the kiosk or PC in order to provide both real-time and up-to-date product information to the kiosk or PC. The Alloul purchasing system stores large product multimedia catalogs on local mass storage means and allows at the same time small volumes of time-variable data to be obtained by telecommunication means from a remote server. The principle is to have a high bandwidth part of the presented data coming from the fixed storage means that allow quick data access for large graphical files, and a low bandwidth communication means for time-variable data coming from a remote server via a network.

In applicant's invention all product information, including price and availability, is stored at a hub server and transferred a number of affiliate web sites. There is no need to store a catalog locally at a kiosk or PC. The catalog information is obtained by a customer by accessing the affiliate web sites over the Internet. Alloul does not employ affiliate web sites.

Detailed Description of the Prior Art

Alloul, et al Patent 6,032,130 (Alloul)

Alloul discloses an electronic purchasing system, which provides a real-time multimedia product presentation for customers using a combination of locally stored data and transmitted data. A multimedia product catalog is stored on a local server for fast data access. Two versions of the local server are disclosed: an electronic purchasing kiosk intended to be installed in malls and shopping centers for public access and a personal computer (PC) based purchasing system intended for personal use at home or at the office. Price and/or availability data from suppliers, are received at the local server (kiosk or PC) over a network from a transaction server. The connection is bi-directional allowing electronic payment for purchased products, price corrections, stock availability checking and product ordering to be done almost instantly.

First, the customer starts a browser-type application program leading him through product catalogs stored locally on a kiosk in a shopping center or on a CD on a PC. That application may comprise a multimedia browser module for product browsing and multimedia presentation wherein data is coming both from the product database stored locally on the purchasing system and from the remote transaction server. While browsing, the customer may fill a shopping cart. The client will then be asked to confirm the current purchase and insert a credit card for billing into a credit card reader.

As described in the following excerpt from the Alloul patent, the transaction server runs one or more application programs, which allow performing the following functions for the client's terminals (kiosks or PCs):

- “1. Accept an incoming call from a remote kiosk;
- 2. Accept a data package giving SKU (or similar), quantity, shipping address and billing information and transmit time-variable information to the client's terminals such as the price and availability;
- 3. Verify the order against the database and transmit shipping information back to the client's terminal;
- 4. Perform a credit card verification or forward the data to banks for performing a remote credit card verification;
- 5. Permit the system to obtain financial and accounting information.”

The primary focus of Alloul is a kiosk multimedia application using a caching mechanism designed to overcome Internet bandwidth limitations that broadband Internet access have now overcome: "It is an object of the present invention to provide in real-time up-to-date and easy-to-use multimedia product catalogs for customers.... " "stores large product multimedia catalogs on local mass storage means and allows at the same time small volumes of time-variable data to be obtained by telecommunication means."

Alloul further provides a multimedia catalog purchasing system comprising: mass storage means for storing locally at least one electronic multimedia catalog containing a large volume of product-related data representing each of a plurality of products to be sold. While browsing catalogs, the client may "fill a shopping cart", i.e. prepare an editable list of items to be purchased. The client may then confirm the transaction and finally may make an electronic payment for paying for the purchase: the client may insert a credit card or a debit card to be charged into the electronic payment card reader.

Deaton et al 5,687,322 (Deaton)

Deaton discloses check transaction processing system in which customer's identification code, along with customer transaction data, is entered at the point-of-sale. A memory stores a database of previously entered customer identification codes and transactions data. Circuitry is provided for generating a signal representative of a customer's shopping history, wherein incentive coupons may be issued to customers in dependence upon the signal.

The check transaction processing system enables a store with a significant volume of check transactions to accumulate and process transactional customer information for check verification and customer profiles for target marketing. The system operates at a store using a local database of customer information useful in that store's business. The customer database of customer information includes credit verification status and transaction frequency and dollar volume over specified intervals. The customer information can be used for credit verification, targeted customer marketing and other customer relation's purposes.

Deaton teaches a credit verification system using a customer id like a checking account number to reduce credit risk in a bricks-and-mortar store. Its teachings have little to with online transactions, and "operates at an individual store, and maintains at that store a local customer database of customer records, each identified by the corresponding customer identification number."

Argument for Patentability

Applicant provides a method and system for single-action ordering of items in a client/hub server/affiliates/vendors environment, wherein the hub server stands between the client and multiple vendors and products that are displayed on an affiliate's web page. The single-action ordering system reduces the number of purchaser interactions needed to place orders from multiple affiliates and eliminates sensitive information that would be transmitted between a client system and the server systems of multiple vendors if existing systems were employed. The hub server system assigns a unique client identifier to each client system. The hub server system also stores purchaser-specific order information for various potential purchasers. The purchaser-specific order information is collected from a previous order placed by a purchaser. The hub server system maps each client identifier to a purchaser that may use that client system to place an order. A purchaser employs a client system (a browser) to view an affiliate's web page wherein different vendor's products are displayed, whereas in the past only the orders for the one vendor can be processed, and only at the vendor's web site.

In applicant's invention, when a purchaser wants to place an order, the purchaser employs the client system to send the request for information describing the item to be ordered along with its client identifier to the hub server. The hub server sends the requested information (e.g., via a Web page) to the client computer system along with an indication of the single action to perform to place the order for the item. With single-action ordering, the purchaser need only perform a single action (e.g., click a mouse button) to order the item. When the purchaser performs that single action, this causes the client system to notify the hub server system. The hub server system then completes the order by adding the purchaser-specific order information (i.e. ship to address, etc.) for the purchaser that is mapped to that client identifier to the item order information (e.g., product identifier and quantity). The hub server forwards item order information to the vendor who ships the product. Since the vendor server and hub server are different, multiple vendors are accommodated. In applicant's invention only the hub server stores credit card numbers, minimizing potential misuse of sensitive financial information.

Once the description of an item is displayed on the client, the purchaser need only take a single action to place the order to purchase that item regardless of which one of many vendors provides the item. Also, since the client identifier identifies purchaser-specific order information already stored at the hub server system, there is no need for such sensitive information to be transmitted via the Internet or other communications medium to the vendor. The vendor ships the product and the hub server bills the purchaser's credit card, credits the appropriate vendor with the sale and credits the affiliate with a commission. Neither Alloul nor Deaton has nor do they suggest a mechanism to handle multiple affiliates and multiple vendors.

Thus it is apparent that the prior art does not provide a mechanism or method wherein multiple vendors can display their wares on affiliate web site(s) and receive orders for items and a ship to address (via the hub server) without dealing with sensitive credit card information. One instance only of sensitive credit card information is maintained at one hub server, not multiple vendor servers. In the prior art, multiple servers, maintained by multiple vendors maintain multiple instances of sensitive credit card information. Applicant's invention eliminates this by providing a central source of credit card information, bills the buyer for a purchase, credits the affiliate with a commission for the sale and credits the vendor for the sale.

Neither Alloul, nor Deaton disclose or suggest applicant's invention, either taken alone or in combination.

Claim Rejections - 35 USC § 102(e)

Examiner has rejected claims 18 and 23 under 35 U.S.C. 102(e) as being anticipated by Alloul.

Claims 18 and 23 are independent claims.

Alloul does not provide a mechanism or method wherein multiple vendors can display their wares on affiliate web site(s) and receive orders for items and a ship to address (via the hub

server) without dealing with sensitive credit card information. One instance only of sensitive credit card information is maintained at one hub server, not multiple vendor servers. In Alloul, multiple vendor servers, maintained by multiple vendors receive multiple instances of sensitive credit card information. Through the use of affiliate web sites upon which vendors display their wares, applicant's invention eliminates multiple entry of credit card information by providing a central source of credit card information, bills the buyer for a purchase, credits the affiliate with a commission for the sale and credits the vendor for the sale.

The distinguishing language in the claims is as follows:

Claim 18:

Transferring said product information to a number of affiliate web sites;

Receiving buyer billing and shipping information of one or more buyers, including a particular buyer, from affiliate web sites;

Receiving a purchase request of said particular buyer from one of said affiliate web sites;

Forwarding said combined purchase order information to said vendor.

Claim 23:

causing identifiers of a buyer, an affiliate web site, a product, and a vendor site, to be sent to said hub server in response to a buyer that browses an affiliate web site clicking on a displayed vendor product;

sending, from said hub server to said particular user, a form including said picture of said product, its price and a submit icon superimposed on said picture;
returning said form, from said buyer to said hub server, upon a condition that said buyer clicks on said submit icon;

debiting, at said hub server, said buyer's credit card with said purchase price;

Claim Rejections - 35 USC § 103 (Alloul in view of Keaton)

Examiner has rejected claims 1-16, 255,26-29 35 U.S.C. 103(a) as being unpatentable over Alloul in view of Keaton.

Claims 1, 7 and 13 are independent claims. Claim 13 has been cancelled.

For the reasons set forth more fully below, in is respectfully submitted that Alloul and Deaton are inappropriate references for combining.

Examiner states that it would have been obvious to one ordinarily skilled in the art at the time of the invention to combine the teaching of Alloul with Deaton's "buyer profile database".

Examiner states that Alloul fails to teach a buyer profile database but that Deaton teaches a buyer profile database. Examiner then states that it would have been obvious to one of ordinary skill in the art to use this limitation for the advantage of more likely meeting market demand by target marketing based on consumer profiling.

The result that applicant is after is not "the advantage of more likely meeting market demand by target marketing based on consumer profiling". Applicant's invention is a method wherein multiple vendors can display their wares on one or more affiliate web sites and receive orders for items and a ship to address (via the hub server) without having to deal with sensitive credit card information. While target marketing may be an admirable by product, it is the elimination of multiple instances of sensitive credit card information that is at the essence of applicant's invention. Security on the Internet is a well-known and long-standing problem.

None of the references disclose or suggest applicant's claimed invention because none disclose or suggest necessary elements of the claimed combination. None of the references

disclose or suggest combining stored buyer information with product selection from an affiliate and forwarding the combined purchase order information from said hub server to a vendor. The distinguishing language in the claims is as follows:

Claim 1:

Combining stored buyer information of said particular buyer with product selection from one of said affiliate sites upon a condition that a purchase request of said particular buyer is received, resulting in combined purchase order information being sent to the hub server; and,

Forwarding said combined purchase order information from said hub server to a vendor.

Claim 7:

Combining stored buyer billing and shipping information of said particular buyer with product selection received from one of said affiliate sites upon a condition that a purchase request of said particular buyer is received, resulting in combined purchase order information;

Recording said combined purchase order information at said hub server; and,

Forwarding said combined purchase order information from said hub server to a vendor.

The dependent claims are subject to the same limitations and arguments.

The Examiner has applied the references to separate elements of the combination rather than to the combination viewed as a whole. 35 USC 103 requires that "the subject matter as a whole" be considered in determining what would have been obvious.

None of the references suggest combining the references in the manner that the Examiner

has. The Examiner cites Alloul as a primary reference to teach all of the limitations except: Alloul does not teach "a buyer profile database", for which Examiner cites Deaton.

The Examiner concludes:

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to use this limitation for the advantage of being more efficient by centralizing the profiling and purchasing function to more likely meet market demand by target marketing based on consumer profiling

All that Deaton teaches on this point is that a Database of customer information may be maintained to aid in assessing credit risk for credit verification and other information for marketing or other purposes. The Examiner does not point out where in the references it is suggested that such a combination is possible or even desirable.

The Examiner has failed to set forth a *prima facie* case of obviousness for rejections combining references under 35 USC 103 (obviousness). The MPEP at 706.02 (j) sets forth a process by which a rejection under 35 USC 103 is to be sustained wherein, as in the present case, a single reference (Alloul) is modified by combining it with one or more references (Deaton):

The MPEP states that to establish a *prima facie* case of obviousness three basic criteria must be met:

- (1) There must be some suggestion or motivation to modify the reference or to combine reference teachings.
- (2) There must be some reasonable expectation of success.
- (3) The references when combined must teach or suggest all the claim limitations.

In these remarks, the three criteria are set forth in order to show why the references cannot be properly combined:

(1) There must be some suggestion or motivation to modify the reference or to combine reference teachings.

The claims were rejected as being unpatentable over Alloul in view of Deaton. Deaton is the primary reference relied upon, and is the "reference" referred to in Step 1. Alloul is the reference to be modified.

The Examiner proposes that it would be obvious to modify the applied reference (Alloul) to use the elements of Deaton to provide the claimed electronic commerce method. The Examiner has failed to point out why the modification that he proposes would be obvious.

Applicant's invention is a combination and the crucial suggestion or motivation step in determining obviousness must be considered. The Examiner has failed to do this. Neither Alloul nor Deaton contains anything to suggest the desirability of applicant's claimed combination or any motivation to modify the method of Alloul to effectuate a multiple e-commerce transaction. In order to satisfy this requirement, the Examiner must show that at least one of the references suggests that it is possible or desirable to modify the applied reference to effectuate a multiple e-commerce transaction.

(2) There must be some reasonable expectation of success.

There is no reasonable expectation of success in combining the references in the manner that the Examiner suggests because there is no provision for multiple affiliates and multiple vendors.

(3) the references when combined must teach or suggest all the claim limitations.

The references do not teach combining stored buyer information with product selection from an affiliate site upon a condition that a purchase request of a particular buyer is received,

resulting in combined purchase order information being sent to the hub server which forwards it to a vendor.

Claim Rejections - 35 USC § 103 (Alloul in view of Official Notice)

Examiner has rejected claims 19, 20, 21, 22 and 24 under 35 U.S.C. 103(a) as being unpatentable over Alloul in view of Official Notice.

Claim 19 is an independent claim and claims 20-21 are dependent thereon.

None of the patents disclose or suggest applicant's claimed invention because none disclose or suggest necessary elements of the claimed combination. None of the references disclose or suggest combining stored buyer information with product selection from an affiliate and forwarding the combined purchase order information from a hub server to a vendor. The distinguishing language in the claims is as follows:

Claims 19-21:

- C. Receiving at said hub server, a cookie, said cookie identifying a prospective buyer, said affiliate site, said product and optionally said vendor site;
- D. Dynamically creating a <FORM> including all information necessary to effect a purchase transaction;

- F. Forwarding a purchase request for said product to be shipped to said buyer to a vendor upon a condition that said <FORM> is submitted to said hub server.

None of the references disclose or suggest dynamically creating a <FORM> including all information necessary to effect a purchase transaction and forwarding a purchase request for said product to be shipped to said buyer to a vendor upon a condition that said <FORM> is submitted

to said hub server by a user. None of the references disclose or suggest using a cookie identifying a prospective buyer, said affiliate site, said product and optionally said vendor site.

The dependent claims are subject to the same limitations and arguments.

In view of the above arguments for patentability, reexamination of claims 1-12, and 18-29 pending in this application and allowance thereof is respectfully requested.

Respectfully submitted,



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Owen L. Lamb, Reg. #20,831

PO Box 240

Attorney for applicant

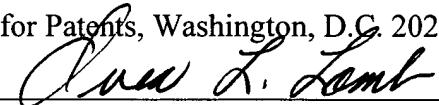
Santa Barbara, CA 93102-0240

Phone: (805) 689-5666

Fax: (805) 563-5199

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Owen L. Lamb, Reg. # 20,831

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